

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID K. LORD,

Plaintiff,

v.

ERIE COUNTY, et al.,

Defendants.

Civil Action No. 08-213 Erie

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on July 25, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 19], filed on December 1, 2009, recommended that the motion to dismiss filed by Defendant Erie County [Doc. No. 16] be granted in part and denied in part. Specifically, the Magistrate Judge recommended that the motion should be granted as to the procedural due process claim and breach of contract claim, and denied as to the remainder of the § 1983 claims.

The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. Plaintiff filed objections on December 10, 2009 [Doc. No. 21]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 5<sup>th</sup> day of January, 2010;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Erie County [Doc. No. 16] is GRANTED in part and DENIED in part; the motion is GRANTED as to the procedural due process claim and breach of contract claim, and DENIED as to the remainder of the § 1983 claims.

The Report and Recommendation [Doc. No. 19] of Magistrate Judge Baxter, filed

on December 1, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge